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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/534,441 | 03/24/2000 | Kenji Yoshioka | 0102/0108 | 3435 |

21395 7590 08/15/2002

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/534,441 | YOSHIOKA, KENJI |
| | Examiner | Art Unit |
| | sujatha sharma | 2682 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ . |

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tognazzini [US 5,914,675].

Regarding claims 1 and 17, Tognazzini discloses an emergency locator device with a GPS interface that receives digital location data indicating the current location of the emergency locator device. Tognazzini further discloses a method where the control processor stores the data received from the GPS interface and upon detecting an emergency trigger the control processor retrieves the stored data from memory which includes the current location of the portable device, the called party number and vehicle identification data. Tognazzini further discloses a method where the control processor in the emergency locator device, upon detecting an emergency trigger initiates a 2-way communication link to the called station via the wireless telephone network and transfers the status data stored in the memory. Tognazzini further discloses the use of the emergency locator device for ordinary communications enabling the user to place regular cellular/PCS call under non-emergency condition. See Fig. 1, summary of invention and column 4, lines 17-37; column 5, lines 35-52; column 6, line 12- column 7, line 8; column 8, lines 48-58.

Regarding claim 2,10 and 20, Tognazzini further discloses an interface to an external unit. See Fig.1 and column 7, lines 1-8.

Regarding claim 3,11 and 21, Tognazzini further discloses a data converting means. See column 5, lines 11-15.

Regarding claim 4 and 12, Tognazzini further discloses a method for automatic dialing. See column 5, lines 36-39; column 6, lines 34-42; column 7, lines 19-41.

Regarding claims 5-8,13-16 and 22, Tognazzini further discloses hands free communication means. See Fig.1 and column 5 lines 2-20.

Regarding claims 9 and 23, Tognazzini further discloses a cellular or personal communication system (PCS) network. See Fig.1 and column 6, lines 43-46.

Regarding claim 18, Tognazzini further discloses a method where an ordinary communication call in progress is interrupted upon detection of the emergency trigger. See Fig.2 and column 7, lines 9-67.

Regarding claim 19, Tognazzini further discloses the called party to be a pre-determined station to receive emergency data. See column 5, lines 28-35 and column 7, lines 54-56.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tendler [US 5,555,286] discloses a cellular phone based automatic emergency vessel/vehicle location system.

Dimino [US 5,918,180] discloses a telephone operable global tracking system for vehicles.

Alpert [US 5,742,666] discloses an emergency mobile telephone.

Wortham [US 5,832,394] discloses a vehicle locating communications method and apparatus.

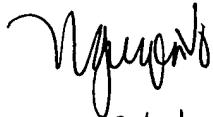
Warner [US 5,963,129] discloses a vehicle identification and information system control device and system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Sujatha Sharma
August 9, 2002


8/9/02

**NGUYEN T. VO
PRIMARY EXAMINER**